

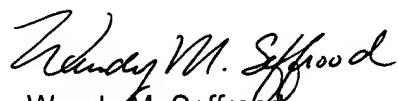
Remarks

Claims 1-3, 6, 8-14, 18-22, 26-29 and 31-42 are pending in the application. Claims 1-3, 6, 8-14, 18-22, 26-28, 31-36, 38, 39, 41 and 42 have been previously deemed allowable by the Examiner. The outstanding rejections of claims 29, 37 and 40 are currently subject to an Appeal, however, jurisdiction has not yet passed to the Board. Claim 40 is amended herein as discussed below, strictly to reduce the number of issues for consideration by the Board. Based on a teleconference between Applicants' attorney and Examiner Li on March 1, 2005, it is believed that this amendment will be entered.

Claim 40 currently stands rejected under 35 USC §112, first paragraph, for introducing new matter. The Examiner's Answer indicates that claim 40 "encompasses administering to a host a one-time dose of ionizing radiation at between 50-70 Gray," and alleges that this aspect is unsupported by the original disclosure.

Claim 40 has been amended herein to recite that the *total* dose of ionizing radiation is between 50 and 70 Gray, as supported by the specification at least at Example VI on page 42. Applicants respectfully submit that the amendment to claim 40 obviates the rejection, and accordingly request withdrawal of the rejection and notification to that effect. With withdrawal of the rejection as to claim 40, claims 29 and 37 remain on appeal.

Respectfully submitted,



Wendy M. Seffrood
Reg. No. 52,205

Docket No.: 092234-9022
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
(608) 257-3501